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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

INGVOLDSTAD, BENNETT

ART UNIT

PAPER NUMBER

2427

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/552,559	<b>Applicant(s)</b> SAHASRABUDHE ET AL.	
	<b>Examiner</b> Bennett Ingvaldstad	<b>Art Unit</b> 2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-15 and 17-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9,11-15,17 and 19-23 is/are rejected.
- 7) ☒ Claim(s) 2,10 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Miscellaneous***

A telephone call was made to attorney Brian J. Cromarty on 3 November 2009 regarding a potential examiner's amendment to result in allowance of the claims. However, the telephone call was not returned and the following rejections were necessitated.

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5 October 2009 has been entered.

### ***Response to Arguments***

Applicant's arguments have been fully considered, but they are moot in view of the new interpretation of the Okamura reference.

### ***Claim Objections***

Claims 1–7, 9–15, and 17–23 are objected to because the claimed “first region” and “second region” are not clearly defined as or limited to a “geographical region” or

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“service provider region” as described by the specification (see pg. 5, lls. 20–22). Since the claimed “region” would be interpreted by one of ordinary skill differently than intended (e.g. as a region of the screen of a user interface for selecting broadcast programs), one of ordinary skill would not be apprised of the proper scope of the claims. The examiner recommends replacing “a first region” with --a first geographical or service provider region-- or similar, and making the corresponding replacement for “a second region.”

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 3, 4, 9, 11, 12, 17, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okamura (US 5483685) in view of Schein (US 6002394).**

Claim 1: Okamura discloses a method for selecting a broadcast program, comprising:

storing a first time interval associated with a first region (a lag time T associated with a region having, e.g. between 9 and 100 channels, col. 4, lls. 6–17; col. 6, lls. 35–38) and a second time interval associated with a second region (a lag time T associated with a region having, e.g. more than 200 channels, col. 4, lls. 6–17; col. 5, lls. 13–15);

storing data corresponding to one of said first region and said second region (col. 4, lls. 6–17);

receiving a first user input representing a first digit associated with said broadcast program (first digit 1A, fig. 1, for selecting a channel, Abstract);

storing first data representing said first digit within said first predetermined time interval for said first region (within selection lag time T, col. 4, lls. 6–17; col. 6, lls. 35–38) and said second predetermined time interval for said second region in response to said stored data corresponding to said second region (within selection lag time T, col. 4, lls. 6–17; col. 5, lls. 13–15); and

processing said first data for selecting said broadcast program (selecting the program based on the inputted digit, Abstract), wherein said first predetermined time interval and said second predetermined time interval are non-zero time intervals (col. 2, lls. 4–6).

Okamura does not teach that the user selects the region and that the data corresponding to the region is stored responsive to the user selection; rather, the apparatus obtains channel information by scanning the available channels (col. 4, lls. 6–10).

Schein teaches a method for obtaining channel information comprising receiving a user selection of a region and downloading channel and scheduling information (col. 19, lls. 5–18).

It is obvious to substitute known elements according to known methods to yield predictable results. Therefore, it would have been obvious to substitute Okamura's

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process for obtaining channel information with Schein's process for obtaining channel information according to the described methods, thus yielding predictable results since both processes obtain the required information.

Claims 9 and 17 correspond to claim 1 and are met as such, Okamura further disclosing an apparatus and a television receiver for implementing the above methods (fig. 1).

Claims 3, 11, and 19, dependent on claims 1, 9, and 17 respectively: Okamura further discloses:

receiving a second user input representing a second digit associated with said broadcast program within one of said first and second predetermined time intervals (a second digit within the lag interval [col. 5, l. 23-29]); and

processing said second data for selecting said broadcast program [col. 5, l. 23-29].

Claims 4, 12, and 20, dependent on claims 1, 9, and 17 respectively: Okamura further discloses:

receiving a second user input representing a second digit associated with said broadcast program within a third predetermined time interval after one of said first and second predetermined time intervals expires (within an overall interval consisting of the first digit lag interval and the second digit lag interval, the second digit selected during the second digit lag interval after the first lag interval expires [col. 5, l. 6-38]); and

processing said second data for selecting said broadcast program [col. 5, l. 23-29].

**Claims 5–7, 13–15, and 21–23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okamura (US 5483685) in view of Schein (US 6002394) and Applicant's admitted prior art (AAPA).**

Claims 5, 13, and 21, dependent on claims 1, 9, and 17 respectively: Okamura does not further disclose wherein said first region includes Europe and Asia.

Applicant discloses that Europe and Asia are geographical regions with similar numbers of channels (Spec. pg. 1).

Therefore it would have been obvious for the first region to include Europe and Asia due to the similarity in channel numbers between the regions, and further due to the known status of Europe and Asia as a region.

Claims 6, 14, and 22, dependent on claims 1, 9, and 17 respectively: Okamura does not further disclose wherein said second region includes North America and South America.

Applicant discloses that North America and South America are geographical regions with similar numbers of channels (Spec. pg. 1).

Therefore it would have been obvious for the first region to include North America and South America due to the similarity in channel numbers between the regions, and further due to the known status of North America and South America as a region.

Claims 7, 15, and 23, dependent on claims 1, 9, and 17 respectively: Continuing with the rejections of claims 5 and 6, Okamura in view of Applicant's admitted prior art further disclose wherein:

said first region receives first broadcast programs from a first service provider (a European or Asian service provider); and

said second region receives second broadcast programs from a second service provider (a North or South American service provider).

### ***Allowable Subject Matter***

Claims 2, 10, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to overcome the objections set forth above and to include all of the limitations of the base claim and any intervening claims

The following is a statement of reasons for the indication of allowable subject matter:

The prior art, either alone or in combination, fails to teach that said predetermined first time interval is shorter than said predetermined second time interval. Okamura, in contrast, teaches that the selection lag time T is used for both time intervals (see the rejections), so the time intervals are equal and one cannot be shorter than the other. The remaining prior art fails to remedy Okamura's deficiency.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bennett Ingvaldstad whose telephone number is (571) 270-3431. The examiner can normally be reached on M–F 9–5 EST.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bennett Ingvaldstad/  
Examiner, Art Unit 2427

/Scott Beliveau/  
Supervisory Patent Examiner, Art Unit 2427